

**17175. Misbranding of canned cherries. U. S. v. 49 Cases \* \* \*. (F. D. C. No. 29791. Sample No. 68459-K.)**

**LIBEL FILED:** October 5, 1950, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about August 28, 1950, by the Seufert Bros. Co., from The Dalles, Oreg.

**PRODUCT:** 49 cases, each containing 6 6-pound, 11-ounce cans, of cherries at Brooklyn, N. Y.

**LABEL, IN PART:** (Can) "Celilo Brand \* \* \* Light Sweet Royal Anne Pitted Cherries In Light Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned cherries, a food for which a definition and standard of identity had been prescribed, and its label failed to bear the name of the optional packing medium in the article since its label bore the statement "In Light Syrup," whereas the article was packed in sirup designated as "slightly sweetened water" in such standard; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned cherries because of an excessive number of cherry pits in the article, and its label failed to bear a statement that it fell below such standard.

**DISPOSITION:** April 18, 1951. Seufert Bros. Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

#### FROZEN FRUIT AND FRUIT PRODUCT

**17176. Adulteration of frozen strawberries. U. S. v. 100 Cases \* \* \*. (F. D. C. No. 30252. Sample No. 81753-K.)**

**LIBEL FILED:** On or about November 20, 1950, District of New Jersey.

**ALLEGED SHIPMENT:** On or about October 10, 1950, by Southland Frozen Foods, from Ontario Center, N. Y.

**PRODUCT:** 100 cases, each containing 24 12-ounce cups, of frozen strawberries.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten and moldy strawberries.

**DISPOSITION:** January 31, 1951. Default decree of condemnation and destruction.

**17177. Misbranding of frozen strawberries. U. S. v. 330 Cases \* \* \*. (F. D. C. No. 30177. Sample No. 70421-K.)**

**LIBEL FILED:** December 4, 1950, District of Kansas.

**ALLEGED SHIPMENT:** On or about May 13, 1950, by the Stilwell Canning Co., from Marionville, Mo.

**PRODUCT:** 330 cases, each containing 24 cartons, of frozen strawberries at Kansas City, Kans. Examination showed that the cartons were on the average 83 percent filled and that the article was short of the declared weight.

**LABEL, IN PART:** "Stilwell Fresh Frozen Strawberries Sliced—With Sugar Net Weight 1 Pound."

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the container of the article was so made, formed, and filled as to be misleading; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.